

## **MINUTES**

**CITY OF WARR ACRES  
SPECIAL CITY COUNCIL MEETING  
MONDAY  
JULY 7, 2003  
7:00 P.M.**

1. Mayor Tardibono called the meeting to order at 7:02 pm. Notice of a quorum present was given.

## **ROLL CALL**

### **PRESENT**

Mayor Marietta Tardibono  
Councilman Jimmy Alexander  
Councilman Walter Johnson  
Councilman Mike Gossman  
Councilman Bob Wehba  
Councilman Barry Curl  
Councilman Tom Smith  
Councilman Greg Hayes

### **ABSENT**

Vice-Mayor Justin Frisbie

2. Discussion and action on setting a date of August 5, 2003 for a Final Public Hearing for the re-districting of property located at 4321 N Grove, from R-1 Single Family Residential District, to FE Single Family Estate District. Larry G. Bowman, owner/applicant. Planning Commission recommended approval.

Motion by Wehba, second by Hayes to set August 5, 2003 as the date for the Final Public Hearing. Poll vote: Alexander, yea; Johnson, yea; Gossman, yea; Wehba, yea; Curl, yea; Smith, yea; Hayes, yea; and Tardibono, yea.

### **Motion passed unanimously.**

3. Discussion and action on approving or disapproving a Special Use Permit as recommended by the Planning Commission on a lot located at 5721 NW 42<sup>nd</sup>, zoned R-1, Victory Christian Center.

The Mayor stated she would like to recuse herself from the item.

This Special Use Permit is only on the lot located at 5712 NW 42<sup>nd</sup>, referred to as the old Stone property. Audrey Blank, attorney for applicant, stated she understood that an amended application on the original Special Use Permit would be required and would only involve the fence, lighting and landscape for this property. Councilman Wehba asked if the curbing was correct with the high and low curb. Councilman Johnson wanted to make sure the old drive would be taken

out. Robert Beasley stated the drive would be removed and handed out the copies of the codes pertaining to approaches and curbs.

Motion by Smith, second by Gossman to approve the Special Use Permit provided the following was completed: the driveway will be taken out and curbing put back in, the applicant will apply to amend the original Special Use Permit application for the fence, lighting and landscape surrounding 5712 NW 42<sup>nd</sup> Street. Poll vote: Alexander, yea; Johnson, yea; Gossman, yea; Wehba, yea; Curl, yea; Smith, yea; and Hayes, yea.

**Motion passed unanimously.**

4. A. Discussion and action concerning application re-districting of 5700 N Central from R-1 Single Family Residential District to FE Single Family Estate District. Mark Burghart, owner/applicant.

Mr. Jernigan stated the Planning Commission recommended approve for this re-districting. He stated that he needed to prepare an Ordinance for the re-districting however, there was some confusion with the legal description and he wanted to make sure he had it correct before writing the Ordinance. He explained that the council could go ahead and approve the application, if the so desired, and direct him to prepare the Ordinance.

Motion by Curl, second by Gossman to approve the application for re-districting 5700 N Central from R-1 Single Family Residential to FE Single Family Estate and for the attorney to draft an Ordinance. Poll vote: Alexander, yea; Johnson, yea; Gossman, yea; Wehba, yea; Curl, yea; Smith, yea; Hayes, yea; and Tardibono, yea.

**Motion passed unanimously.**

- B. Discussion and action on an Ordinance on the re-districting of 5700 N Central from R-1 Single Family Residential District to FE Single Family Estate District.

Moot.

- C. Approval of Emergency Clause.

Moot.

5. A. Discussion and action on Title 19 Committee recommendations and consideration and adoption of an Ordinance amending the Municipal Zoning Code (Title 19) to provide allowing or prohibiting drug and alcohol rehab use of property in certain districts and providing for

restrictions and standards therefore and providing further for permitting limited warehouse use in C-3 District.

Mr. Jernigan stated that Councilman Johnson had requested having the District added to each section so there would be no question about which districts were being amended. The Ordinance only addresses the changes to drug and rehab centers and warehousing. The other changes will be ready for the next council meeting. Councilman Wehba asked that the distance in 19.36.030 M1b and 19.38.030 Q1b from 500 feet to 1000 feet. Mr. Jernigan stated that Chairman Carter was concerned that changing to 1000 feet it would cause a total prohibition of that use and if you get into a measurement situation which would result in a total prohibition then you tend to lose in the court system, and therefore, Mr. Carter would recommend leaving it at the 500 foot requirement. Mr. Carter spoke saying that back in March the committee was asked to come up with wording for drug and rehab centers. The first thought was to prohibit them from the city all together. The committee thought better of it and was told by the former attorney that if they did so they would be asking for a law suit and the courts could then allow them anywhere in the city. The committee then decided to allow them in C-3 and C-4 with. They looked at the restrictions on footage from schools and churches for bars and decided that this was different and needed to be more restrictive for rehab centers. This is where the 500 feet came in, they had thought about the 1000 feet but cause them not to be allowed in the C-3 or C-4 because of the measurement.

Motion by Johnson, second by Wehba to change the measurement in 19.36.030 M1b and 19.38.030 Q1b from 500 feet to 1000 feet. Poll vote: Alexander, yea; Johnson, yea; Gossman, nay; Wehba, yea; Curl, nay; Smith, nay; Hayes, yea; and Tardibono, nay.

**Motion failed.**

Motion by Curl, second by Wehba to change the measurement in 19.36.030 M1b and 19.38.030 Q1b from 500 feet to 650 feet. Poll vote: Alexander, yea; Johnson, nay; Gossman, yea; Wehba, yea; Curl, yea; Smith, yea; Hayes, yea; and Tardibono, yea.

**Motion passed.**

Motion by Curl, second by Wehba to approve the Ordinance as amended. Poll vote: Alexander, yea; Johnson, nay; Gossman, yea; Wehba, yea; Curl, yea; Smith, yea; Hayes, yea; and Tardibono, yea.

**Motion passed.**

B. Approval of Emergency Clause.

Motion by Curl, second by Smith to approve the Emergency Clause. Poll vote: Alexander, yea; Johnson, yea; Gossman, yea; Wehba, yea; Curl, yea; Smith, yea; Hayes, yea; and Tardibono, yea.

**Motion passed unanimously.**

6. Discussion and action on Resolution #386 establishing the Nine-One-One Emergency Telephone Fee Rate for Calendar Year 2004.

Motion by Johnson, second by Gossman to approve Resolution #386. Poll vote: Alexander, yea; Johnson, yea; Gossman, yea; Wehba, yea; Curl, yea; Smith, yea; Hayes, yea; and Tardibono, yea.

**Motion passed unanimously.**

7. A. Discussion and action on the adoption of an Ordinance amending Title 8, Chapter 8.08, Section 8.08.060 to increase the maximum capacity of garbage containers from thirty-two gallons to thirty-nine gallons.

Councilman Wehba asked if 39 gallons was not to close to 40 gallons. He also stated that in the passed he thought that the council decided to go with 32 gallon cans and to adjust the total accumulative amount to total 4-32 gallon cans, he stated it did not make since that none of the recommendations from the past were included in the item. Councilman Curl stated that he thought it was decided that the Sanitation department would pick up 4 cans and 8 bags but did not remember it ever being put into ordinance form. Councilman Johnson stated that the former attorney never did write an ordinance. Both Councilmen Wehba and Johnson felt that a committee should be formed to finally make sure the ordinances are cleaned up and correct.

Motion by Wehba, second by Johnson to Table to the August meeting and to set up a committee. Poll vote: Alexander, yea; Johnson, yea; Gossman, yea; Wehba, yea; Curl, yea; Smith, yea; Hayes, yea; and Tardibono, yea.

**Motion passed unanimously.**

- B. Approval of Emergency Clause.

Moot.

8. A. Discussion and action on the adoption of an Ordinance amending Title 8, Chapter 8.08, Section 8.08.010, Sub-paragraph E for the purposes of conforming definitions.

Motion by Curl, second by Smith to Table to the August meeting. Poll vote: Alexander, yea; Johnson, yea; Gossman, yea; Wehba, yea; Curl, yea; Smith, yea; Hayes, yea; and Tardibono, yea.

**Motion passed unanimously.**

B. Approval of Emergency Clause.

Moot.

9. Discussion and action on a drainage problem just east of 5946 NW 45<sup>th</sup>.

Councilman Alexander stated that it was brought to his attention that when the street and drainage project was done on Hammond the city acquired the easement and when it rains the water does not drain. He stated that the slope is in the opposite direction of the drainage box. The Mayor asked Scott Barrett if he would take a look at it and give a report at the August meeting.

10. Discussion and action on appointing a delegate, and another alternate for ACOG.

The Mayor stated that she would like to appoint Councilman Gossman. Councilman Gossman stated that he did not think he could make the meetings since his job had him out of town a lot. The Mayor stated that she would like for Councilman Smith as the delegate and Councilman Alexander as the alternate and an employee will be named as the other alternate.

11. Discussion and action on approval to pay claims for Robert Jernigan.

Councilman Johnson stated that the city needed to slow down on the use of the attorney or they would run out of money and there are two other attorneys paid also paid from that account.

Motion by Wehba, second by Gossman to approve the payment of claims for Robert Jernigan. Poll vote: Alexander, yea; Johnson, yea; Gossman, yea; Wehba, yea; Curl, yea; Smith, yea; Hayes, yea; and Tardibono, yea.

**Motion passed unanimously.**

**A comment was made that an item needed to be placed on the August agenda concerning 33<sup>rd</sup> and Hammond drainage.**

12. Discussion and action on possibly entering into Executive Session as allowed under 25 O.S. Supp. 307 (B) (1), concerning David Oakley and Mark O'Connor regarding the employment, hiring, appointment, promotion, demotion, disciplining or resignation of any individual salaried public officer or employee.

Motion by Smith, second by Gossman to enter into executive session. Poll vote: Alexander, yea; Johnson, yea; Gossman, yea; Wehba, yea; Curl, yea; Smith, yea; Hayes, yea; and Tardibono, yea.

**Motion passed unanimously.**

**The Council entered into executive session at 8:00 pm.**

**The Council returned to open session at 8:17 pm. WITH NO ACTION TAKEN.**

13. The meeting was adjourned at 8:17 pm.

Respectfully submitted,

Pamela McDowell-Ramirez  
City Clerk

## **MINUTES**

CONTINUATION FROM THE JULY 1, 2003 MEETING

MEETING OF THE TRUSTEES OF THE WARR ACRES  
ECONOMIC DEVELOPMENT AUTHORITY

5930 NW 49<sup>TH</sup> STREET,  
WARR ACRES, OKLAHOMA

JULY 7, 2003

MONDAY

7:00 p.m.

1. The meeting was called to order at 8:18 pm. Notice of a quorum present was given.

### **ROLL CALL**

#### **PRESENT**

Chairperson Marietta Tardibono  
Trustee Jimmy Alexander  
Trustee Walter Johnson  
Trustee Mike Gossman  
Trustee Bob Wehba  
Trustee Barry Curl  
Trustee Tom Smith  
Trustee Greg Hayes

#### **ABSENT**

Vice-chair Justin Frisbie

2. Discussion and action on purchase and sale of property and incentives, including entering into Executive Session as allowed under 25 O.S. Supp 307 (D) , all nonprofit foundations, boards, bureaus, commissions, agencies, trusteeships, authorities, councils, committees, public trusts, task forces, or study group supported in whole or part by public funds, or entrusted with the expenditure of public funds for purposes of conferring on matters pertaining to economic development, including the transfer of property, financing, or the creation of a proposal to entice a business to locate within their jurisdiction if public disclosure of the matter discussed would interfere with the development of products or services or if public disclosure would violate the confidentiality of the business.

Motion by Johnson, second by Wehba to enter into executive session. Poll vote: Alexander, yea; Johnson, yea; Gossman, yea; Wehba, yea; Curl, yea; Smith, yea; Hayes, yea; and Tardibono, yea.

**Motion passed unanimously.**

**The Trustees entered into executive session at 8:19 pm.**

**The Trustees returned to open session at 8:40 pm. WITH NO ACTION TAKEN.**

3. The meeting was adjourned at 8:41 pm.

Respectfully submitted,

Pamela McDowell-Ramirez  
City Clerk